K 1945

File No. ~~Legal Deptt~~ B. Land Improv. 45

Legal Deptt
B **BRANCH**

Subject.— Governor's Bill No VIII of 1945

A Bill to amend the Bombay Land Improvement Schemes Act 1942

Bom Act No VII of 1945

20/1945

File No. B. Land Improvement 45

Gen. 194 e.

557-B

A revised draft Bill is sent with the following remarks:-

2. (a) Revised clause 5 substitues new question 5 and 6 for t he existing sections. New section 5 makes a specific provision for submission to the Board of the draft scheme for t he Board's approval. Clause 5 of R.D. drart begins "On approval by the Board with or without modifications". It is not clear from that beginning whether the Board is to have power at this stage to cancel a scheme. In the revised draft it is obligatory upon the Board to sanction the scheme. R.D. may consider whether t his is the intention or whether the Board at t his stage, as well as at the stage of section 9, should have power of cancellation.

(b) New section 6 contains a specific provision for submission of objection- received by the Inquiry Officer as under new section 9 the Board has to consider not only the report of the Inquiry Officer but also the objections submitted by him.

3. R.D.Clause 9:- This clause substitutes a new section for existing section 9. In sub-section(2) of new section 9 a provision is made for t he appointment of an officer t o execute the scheme. As this provision we would more appropriately fall under Chapter III of the Act, it is incorporated in new section 11. The proviso to new section 9 inserted by R.D. does not exclude the crown. As presumbly, the intention cannot be to include the Crown, the proviso to revised section 9(1) expressly excludes the Crown. This is in accordance with the provision in existing section 9(1) of the Act. Sub-section (2) of news ection 9 gives the necessary finality to the scheme as sanctioned by the Board or by the Provincial Government.

4. R.D.Clause 12 :- This corresponds t o revisdd clause 10. The R.D. draft clause retains sub-section(4) f existing section 11. Under that sub-section if an

owner fails to carry out any work to the satisfaction of the officer within the period specified, or at any time expresses in writing to the officer his inability to do so, the officer may himself get the work carried out and recover the expenses from the person in default. This presupposes the giving of a notice by the officer as contemplated in existing sub-section(2) of section 11. New section 11(1) therefore provides for giving of such notice by the officer appointed to execute the scheme. Sub-section(2) of new section 11 provides for the carrying out of works in the owner's land by the Crown at the cost of the owner as presumably the ....l have to bear the cost. R.D. should verify whether this is correct.

5. Revised clause 11 :- In view of the ommission in sub-sec(v) of sec.4 and the deletion of the existing new section 4(2) of clause (vi) in existing section 8 which contain a provision similar to clause (vi) it would be necessary to omit the words "subject to the provisions of the Scheme" in section 12(1). Revised clause 11 provides accordingly.

6. R.D. clause 13:-(a) This corresponds to revised clause 13. As a specific provision is made in R.D.clause 14 requiring an owner who is bound to maintain or repair any work under the Act to do so to the satisfaction of the Land Imporvement Officer, it would be necessary to show in the record of rights and liabilities the liability of an owner to maintain or repair works under the scheme. New section 13(a)(ii) makes therefore the necessary provision. Since new sub-section (2) of section 13 as inserted by R.D. clause 13 refers also to "rights" a provision is made in news ection 13(1) for showing the rights of the owners as regard the use of the works. Sub-section (2) of new section 13, as inserted by R.D.clause 13, refers to "mutations" made in the rights and liabilities. In order to enable the carry-ing out of mutations in the rights and liabilities it would be necessary to have a substantive provision on the lines of sub-section

sub-section (6) of existing section 13. The necessary provision is made in new section 13.

(b) The Statement suggests that in future there will only be one record,viz. the record of rights maintained under the Land Revenue Code, 1879. The record prepared however under the first four sub-sections of section 13 will remain a record apart from the record maintained under the Land Revenue Code. The new section contemplates mutations and revisions in this separate record. This separate record will now be deprived of the advantages conferred by the deleted sections 7 and 8.

7. R.D.clause 14:- Sub-section(2) of new section 14 as inserted by R.D. clause 14 provides for the recovery of cost from the owner as an arrear of land revenue. This provision is unnecessary in view of section 15 of the Act and has therefore been omitted from the new section 14.

8. R.D. draft clause 15:- In view of the definition of "owner" in section 2 i t is not necessary to amend existing section 15 as proposed by R.D.

9. New section 18 inserted by R.D.clause 17 at pages 49-50 ante has not been revised since it appears from A (F)'s note at page 59 ante that a provision regarding limitation of rents has still to be considered.

10. Revised clause 17:- Since the provisions in existing sub-section (2) of section 9 and sub-section (2) of section 14 have been omitted in the revised Bill it is no longer necessary to keep section 20 on the statute book. Section 20 has, therefore been omitted in the revised Bill.

11. R.D. draft clause 19:- This corresponds to revised clause 18. Since the Land Improvement Officer may not have any officer subordinate to him the words "subordinate to him" occuring in new section 21 inserted by R.D. draft clause 19 have been omitted from the revised draft.

12. R.D. draft Clause 21:- In view of the simplification of procedure contemplated by the proposed Bill it would be necessary to revise existing sub-section (2) and (3) of section 25 and to carry out consequential changes in existing sub-section (4) of section 25. Revised clause 21 provides accordingly.

13. R.D. is requested to send the provision regarding limitation of rent as finally settled for R.L.A.'s scrutiny when the vires of the whole Bill and Statement thereto will be examined by the R.L.A.

Id/

P.N.M.

12/10/45.

Remembrancer of Legal Affairs.

U.R. to R.D.No.77-L, dated the 13th October 1944.

R.D.P.
17/7/56.
5.C.

Office of the R.L.A.

Sub-section(1) of new section 5 may be revised as follows

"5(1). The draft scheme prepared under section 4 shall be submitted to the Board which shall either approve the scheme with or without modification and appoint an Inquiry officer or reject it."

2. The next change proposed is in newsection 11 (page 68-69 ante) which will be as follows:-

"(3) If any owner of the land included in the scheme desires to carry out himself any works which under the scheme are to be carried out in his land by the Crown at the cost or part cost of the owner he shall give notice in writing to that effect to the Executing Officer within 15 days of the publication of the scheme in the Official Gazette under section 9".

3. In view of para.4 of D.S.R.D.'s note (Page 75ante for the words "If an owner" in sub-section(5) of new section 11 the words "If such owner" may be substituted. Under sub-section(5) of the new Section 11 "power" is given to recover from the owner the expenses incurred by the Executing Officer for getting the work carried out. It is presumed that the intention is that the full expenses incurred for getting the work carried out are to be recovered from the owner irrespective of the fact that under any particular scheme the owner has to bear only a part of the cost for carrying out the work.

4. It may be pointed out that there does not appear to be any specific provision in the Act casting on the owner the liability to pay for the costs or part costs of the works carried out by Government in his land. It would therefore, be desirable to emphasise this statutory liability by insertion of a specific provision in new section 11. It would be similarly necessary to reasst sub-section(1) of section 14 so as to throw specifically upon the owner the statutory obligation to maintain and repair works. New section 11 and sub-section(1) of section

14 have been accordingly revised (see slips A and B on pages 68 and 71 ante).

5. New section 13 and para.5,of [illegible] note. As R.D. has no objection the word "register" may be used for "statement". Section 13, as proposed to be revised now may be as follows:-

13(1). "The Executing Officer shall prepare a statement showing for any specified the following particulars:-

(i) the work done;

(ii) the cost thereof;

(iii) the total amount to be recovered from the ~~x~~ owners;

(iv) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners;

(v) the period within which such amount is to be recovered;

(vi) the owners or class of owners liable to maintain and repair the work;

(b) if in the case of any survey number or sub-divisions of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an ~~xxx~~ owner at a rate other than the general rate. a list of such survey numbers of sub-divisions, and the rate at which the cost is to be recovered from the owner of such survey number of sub-divisions;

(c) a map showing the work carried out in the village;

(d) such other matters as may be prescribed.

(2) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts in such manner as the Provincial Government may prescribe and shall thereupon form part of such record of rights and of the village accounts."

(6) In view of the provisions of section 13 as pro-

proposed above a consequential change would be necessary in clause

(iii) of sub-section (2) of section 24 of page 73.

clause

(iii) may be revised as follows:-

c"(iii) the manner in which the rights and liabilities shown in the statemnnt prepared undersection 13 shall be entered in the record of rights maintained under chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts, under sub-section (2) of section 13"

7. A consequential change would be necessary in sub-section (4) of section 25 on page 74, that is, the substitution of the words and figures "statement under section 13" for the words "record of rights and liabilities".

8. In view of the statement made in para.4 of D.S. R.D.'s note that execution of the schemes by Government agency is to be the rule and of the xprovisions of new section 11, consequential amendments may be made in section 12 and in addition to the amendment already suggested. Clause 11 of the Bill may, therefore, be revised as follows:-

11."In sub-section(1) of section 12 of the said Act-

(i) the words "by the owner of any land" shall be deleted;

(ii) for the words "any other person, including the Crown" the words "any person, including the Crown, other than the owner of the land on which the work is done", shall be substituted;

(iii) the words "subject to the provisions of the scheme" shall be deleted; and

(iv) after the words "carried out by it" the words "On land belonging to the Crown" shall be inserted. R.D. should verify whether the amendments as proposed above in section 12 are suitable.

9. Attention of the R.D. is invited to para.2 of R.L.A.'s opinion No.60[illegible]L, dated 12th September 1944 at

pages 23-24 ante. Before the Bill is finally revised, R.D. will no doubt take into consideration the suggestion made in that para.

10. The subject-matter of the Bill falls under entries 19,20,21, and 37 of the Provincial Legislative List and entries 4 and 5 of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. The Bill also relates to Crown lands (entry 10 in List I and entry 8 in List II). None of the provisions of the Bill appear to be repugnant to any existing Indian Law relating to any matter in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. It will not therefore be necessary to reserve the Bill fort he consideration of the Governor-General with reference to section 107(2) of the Government of India Act, and para.2 of the Proclamation.

11. A revised draft statement is sent herewith.

Id/-

P.N.M.

27/10/44.

Remembrancer of Legal Affairs.

U.R. to R.D.No.87-L, dated the 27/10/1944.

R.D.P.
17/7/56.
S.C.

Office of the R.L.A.

Para. 1 of Joint Secretary, R.D.'s note :- Section 25A of the Bombay Land Improvemnet Schemes Act,1942, applies in the case of a scheme which has come into force under section 10 and has no application to the case contemplated in new section 11. It would appear from R.D. draft of section 11(1) at page 46 ante, which corresponds to sub-section (3) of revised section 11 (page 68A) that a particular scheme may provide that works situated in an owner's land shall be executed by the Provincial Government. In such a case. that is, where under the Scheme works are to be executed by the Provincial Government. I such a case, that is, where under the scheme works are t be executed by the Provincial Government section 25A wil have no application and unless a specific provision is made in the Act casting on the owner the liability to pa for the costs or part costs of the works carried out by Government under the scheme, it would not be possible to recover from the owner such costs. New section 11(2) makes therefore the necessary provision.

Section 25A was inserted at a time when the Act see ed to intend that the owner should ordinarily carry out the work. As a result of the proposed amendments a scheme under the Act will prescribe the executing agency unhamphared by any such intention. The scheme may prescribe any agency but it is understood that nearly always it will be a Government agency. It is only when the scheme has prescribed the owner as the executing agency that th provisions of section 25A will apply with proposed amendments there does not seem to be much need for section 2

2. Para. 2 of Joint Secretary, R.D.'s note :- Section 14, of the Act may be revised as follows:-

14(1). Every persons shown in the statement prepare under section 13 as liable to maintain and repair work, shall to the satisfaction of the Land Improvement Officer and within such time as the said officer may fix, main-

maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(2). If such person fails to maintain or repair the work within the time fixed by the Land Improvement Officer under sub-section(1) the Land Improvement Officer shall himself get the work maintained or repaired and the cost of so doing shall be recovered from the person."

In view of the provisions made in the above section a consequential change will be necessary in section 13(1)(vi) that is, the substitution of the words "the persons of the class of persons" for the words "the owners or class of owners".

3. Para. 3 of Joint Secretary, R.D.'s note :- In view of the statement made in this paragraph the following new section may be inserted at the end, namely:-

27. "The provisions of this Act shall also apply, so far as may be, to a scheme which has come into force under section 10 before the passing of this Act."

Id/-

P.N.M.

7/11/44.

Remembrancer of Legal Affairs.

U.R. to R.D., No.7749, dated the 7th November 1944.

R.D.P.
17/7/56.
S.C.

Very Urgent.

No. 2824,
Legal Department,
Bombay Castle, 11th April 1945.

From,
P. N. Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay;

To,
The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Land Improvement Schemes Act, 1942.

Sir,

With reference to your memorandum No.201(99)-II, dated the 5th February 1945, addressed to the Revenue Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Land Improvement Schemes Act, 1942, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The subject-matter of the Bill fall under entries 19,20,21 and 37 of the Provincial Legislative List and entires 4 and 5 of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. The Bill also relates to Crown lands (entry 10 in List I and entry 8 in List II.) None of the provisions of the Bill appears to be repugnant to any existing Indian Law relating to any matter in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. It will not therefore be necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one spare copy of the Bill.

Yours obedient Servant,

Id/- P.N.M.
11/4/44.

Secretary to the Government of Bombay.

Legal Department.

R.D.P.
17/7/56.
S.C.

No.201(99).

Office of the Governor's Secretary,
Government House,
Bombay 18th April 1945.

From

D. Symington, Esquire, CIE., ICS.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department, Bombay.

Subject: The Bombay Land Improvement Schemes (Amendment) Bill, 1945.

Sir,

With reference to your letter No.2824 dated the 11th April 1945, on the above subject, I am directed to return herewith the copy of the Bombay Land Improvement Schemes (Amendment) Bill,1945, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor in the name of His Majesty.

I am pleased to declare that he assents to the Bill

Your obedient servant,

Sd/-
Secretary to the Governor of Bombay.

No. 201(99)
Bombay 18th April 1945.

Copy forwarded for information to the Reconstruction Department with reference to their endorsement No. 1884-39-A(Vety.), dated 12th April 1945.

By order of the Governor of Bombay,

Sd/- D. Symington.

Secretary to the Governor of Bombay.

R.D.P.
17/7/56

S.C.

Acts.

Publication of the Bombay Land Improvement Schemes (Amendement) Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 3102
Bombay Castle, 21st April 1945.

Letter to the Secretary to the Governor, No.2824, dated the 11th April 1945.

Letter from the Secretary to the Governor, No.201(99), dated the 18th April 1945.

"With reference to your letter No.2824 dated the 11th April 1945, on the above subject, I am directed to return herewith the copy of the Bombay Land Improvement Schemes (Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty".

RESOLUTION :- The law should be published as Bombay Act No.VII of 1945, in the Bombay Government Gazette dated the 21st April 1945.

2. The Act should be translated into Marathi, Gujarati Kanada and Hindustani (in Urdu and Devnagari scripe) and th translators should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenu Department.

By order of the Governor of Bombay,

Sd/- K. M. Chitnive.

for { Id/- P.N.Moos,
{ Secretary to Government.

To,

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department.

The Revenue Department,) With a
The Oriental Translator to Government,) copy of
The Secretary to the Bombay Legislative Council,) the
The Secretary to the Bombay Legislative Assembly,) Act.

*... With five extra copies.

R.D.P.
17/7/56.

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Bom. Act No VII of 1945

~~GOVERNOR'S BILL No. VIII OF 1945.~~

A Bill to amend the Bombay Land Improvement Schemes Act, 1942.

WHEREAS it is expedient to amend the Bombay Land Improvement Schemes Act, 1942, for the purposes hereinafter appearing;

Bom. XXVIII of 1942.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay Land Improvement Schemes (Amendment) Act, 1945.

Amendment of section 2 of Bom. XXVIII of 1942.

Bom. XXVIII of 1942.

2. In section 2 of the Bombay Land Improvement Schemes Act, 1942, hereinafter called the said Act,—

(*a*) after clause (2), the following new clause shall be inserted, namely :—

"(2A) 'Executing Officer' means an officer appointed by the Board under sub-section (*1*) of section 11.";

(*b*) in clause (6) for the words "Provincial Land Improvement Officer" the words "Land Improvement Officer" shall be substituted.

Amendment of section 3 of Bom. XXVIII of 1942.

3. In sub-section (*1*) of section 3 of the said Act, for the words "Provincial Land Improvement Officer" the words "Land Improvement Officer" shall be substituted.

Amendment of section 4 of Bom. XXVIII of 1942.

4. In section 4 of the said Act,

(*i*) after clause (*viii*) in sub-section (*1*), the following new clause shall be inserted, namely :—

"(*viiia*) regulation or prohibition of firing of vegetation;";

(*ii*) for sub-section (*2*), the following shall be substituted, namely :—

"(*2*) On such direction being issued by the Board, the Board shall appoint an officer to prepare, in accordance with such instructions as it may issue, a draft scheme containing the following particulars, namely :—

(*i*) the objects of the scheme ;

(*ii*) the approximate area of the lands to be included in the scheme ;

(*iii*) the work or kind of work to be carried out under the scheme ;

(*iv*) the agency or agencies through which the work shall be carried out ;

(*v*) such other particulars as may be prescribed."

Substitution of new sections 5 and 6 for sections 5 and 6 of Bom. XXVIII of 1942.

5. For sections 5 and 6 of the said Act, the following shall be substituted, namely :—

Publication of scheme and inviting objections.

"5. (*1*) The draft scheme prepared under section 4 shall be submitted to the Board which shall either approve the scheme with or without modifications and appoint an Inquiry Officer, or reject it.

(*2*) The scheme approved by the Board under sub-section (*1*) shall be published in the *Official Gazette* and in the village and at the headquarters of the taluka or mahal and of the district in which the lands proposed to be included in the scheme are situate.

(*3*) The Board shall, on publication of the scheme, require all persons affected by the scheme who wish to make any objections to the scheme or part thereof to submit their objections in writing to the Inquiry Officer or appear before him, within twenty-one days of the publication of the scheme in the *Official Gazette* under sub-section (*2*).

Report of Inquiry Officer.

6. (*1*) The Inquiry Officer shall hear such objections as are made to him in person, consider all objections duly submitted under section 5 and submit his report together with the objections to the Board.

(*2*) The Inquiry Officer may, while submitting his report under sub-section (*1*), recommend any modifications which in his opinion are required in any of the particulars contained in the scheme approved by the Board under sub-section (*1*) of section 5."

Deletion of sections 7 and 8 of Bom. XXVIII of 1942.

6. Sections 7 and 8 of the said Act shall be deleted.

61 L85 151

7. For section 9 of the said Act, the following shall be substituted, namely :— Substitution of new section 9 for section 9 of Bom. XXVIII of 1942.

"9. (1) After consideration of the objections and the report submitted under sub-section (1) of section 6 and of any further report which the Board may require the Inquiry Officer to submit, the Board may sanction the scheme with or without modifications or reject it : Power of Board to sanction scheme with or without modifications.

Provided that if not less than 33 per cent. of the total number of the owners of the land included in the scheme other than the Crown, or owners other than the Crown owning in the aggregate not less than 33 per cent. of the land included in the scheme, have made objections to the scheme or part thereof, the Board shall submit the scheme to the Provincial Government for its orders. The Provincial Government may thereupon sanction the scheme with or without modifications, or reject it.

(2) The scheme as sanctioned under sub-section (1) shall be published in the *Official Gazette*, and in the village and at the headquarters of the taluka or mahal and of the district in which the lands included in the scheme are situate and shall on such publication be final."

8. In section 10 of the said Act, for the brackets and figure "(3)" the brackets and figure "(2)" shall be substituted. Amendment of section 10 of Bom. XXVIII of 1942.

9. In section 10A of the said Act, before the words "the Board" the words "the Provincial Government or" shall be inserted. Amendment of section 10A of Bom. XXVIII of 1942.

10. For section 11 of the said Act, the following shall be substituted, namely :— Substitution of new section 11 for section 11 of Bom. XXVIII of 1942.

"11. (1) After a scheme has come into force under section 10, the Board shall appoint an officer to execute it. Power to enforce scheme.

(2) Every owner of land included in the scheme shall pay the costs or part costs, as the case may be, of the works which under the scheme are carried out by the Crown in his land at the cost or part cost of the owner.

(3) If any owner of the land included in the scheme desires to carry out himself any works which under the scheme are to be carried out in his land by the Crown at the cost or part cost of the owner, he shall give notice in writing to that effect to the Executing Officer within twenty-one days of the publication of the scheme in the *Official Gazette* under section 9.

(*4*) On receipt of such notice, the Executing Officer shall inform the owner of the works which are to be carried out in his land, and shall fix the date before which the owner shall carry out the works.

(*5*) If such owner fails to carry out any work to the satisfaction of the Executing Officer before the date fixed by him or at any time expresses in writing to the Executing Officer his inability to do so, the Executing Officer may himself get the work carried out and the expenses incurred by the Executing Officer for the purpose shall be recovered from the owner.

(*6*) Where the owner of any land included in the scheme is the Crown, the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or the Provincial Government, as the case may be, shall carry out the works which the Crown is liable to carry out under the scheme.".

Amendment of section 12 of Bom. XXVIII of 1942.

11. In sub-section (*1*) of section 12 of the said Act,

(*i*) the words "by the owner of any land" shall be deleted;

(*ii*) for the words "any other person, including the Crown," the words "any person, including the Crown, other than the owner of the land in which the work is done," shall be substituted;

(*iii*) the words "subject to the provisions of the scheme" shall be deleted; and

(*iv*) after the words "carried out by it" the words "in land belonging to the Crown" shall be inserted.

Amendment of section 12A of Bom. XXVIII of 1942.

12. In section 12A of the said Act, for the brackets and figure "(5)" the brackets and figure "(4)" shall be substituted.

Substitution of new section 13 for section 13 of Bom. XXVIII of 1942.

13. For section 13 of the said Act, the following shall be substituted, namely :—

Statement.

"13. (*1*) The Executing Officer shall prepare a statement giving for any specified area the following particulars—

(*a*) (*i*) the work done;

(*ii*) the cost thereof;

(*iii*) the total amount to be recovered from the owners;

(*iv*) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners;

(*v*) the period within which such amount is to be recovered;

(*vi*) the persons or the class of persons liable to maintain and repair the work ;

(*b*) if in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list of such survey numbers or sub-divisions, and the rate at which the cost is to be recovered from the owner of such survey numbers or sub-divisions ;

(*c*) a map showing the work carried out in the village ;

(*d*) such other matters as may be prescribed.

(*2*) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts in such manner as the Provincial Government may prescribe and shall thereupon form part of such record of rights and of the village accounts."

Bom. V of 1879.

14. For section 14 of the said Act, the following shall be substituted, namely :— Substitution of new section 14 for section 14 of Bom. XXVIII of 1942.

"14. (*1*) Every person shown in the statement prepared under section 13 as liable to maintain and repair work shall, to the satisfaction of the Land Improvement Officer and within such time as the said officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement. Obligation of persons to maintain and repair works.

(*2*) If such person fails to maintain or repair the work within the time fixed by the Land Improvement Officer under sub-section (*1*), the Land Improvement Officer shall himself get the work maintained or repaired and the cost of so doing shall be recovered from the person."

15. In section 16 of the said Act, Amendment of section 16 of Bom. XXVIII of 1942.

(*i*) after the word "scheme" the words "or repairing or maintaining any works under any scheme" shall be inserted ;

(*ii*) for the words "the Board or the Collector" the words "the Board, the Collector or the Land Improvement Officer." shall be substituted.

16. Section 20 of the said Act shall be deleted. Deletion of section 20 of Bom. XXVIII of 1942.

17. For section 21 of the said Act, the following shall be substituted, namely :— Substitution of new section 21 for section 21 of Bom. XXVIII of 1942.

Delegation of powers by Collector or Land Improvement Officer.

"21. The Collector or the Land Improvement Officer may delegate to any officer any of the powers conferred on him by or under this Act."

Amendment of section 22 of Bom. XXVIII of 1942.

18. In section 22 of the said Act, after the word "Collector" the words "the Land Improvement Officer" and after the figures "16" the word and figures "section 21" shall be inserted.

Amendment of section 24 of Bom. XXVIII of 1942.

19. In sub-section (*2*) of section 24 of the said Act, for clauses (*i*) to (*viii*) the following shall be substituted, namely :—

"(*i*) the matters to be prescribed under clause (*ix*) of sub-section (*1*) and clause (*v*) of sub-section (*2*) of section 4 ;

(*ii*) the matters to be prescribed under clause (*d*) of sub-section (*1*) of section 13 ;

(*iii*) the manner in which the rights and liabilities shown in the statement prepared under section 13 shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts under sub-section (*2*) of section 13 ; Bom. V of 1879.

(*iv*) the manner of giving notice under section 16 ;

(*v*) the manner in which documents, plans and maps shall be made accessible to the public under section 19 ;

(*vi*) the number of equated annual instalments payable under sub-section (*2*) of section 25A."

Amendment of section 25 of Bom. XXVIII of 1942.

20. For sub-sections (*2*) to (*5*) of section 25 of the said Act, the following shall be substituted, namely :—

"(*2*) On such direction the person appointed by the Provincial Government or the Board in this behalf shall prepare in accordance with such instructions as the Provincial Government or the Board may issue, a draft scheme containing the particulars specified in sub-section (*2*) of section 4 and submit it to the Provincial Government or the Board, as the case may be, for its approval.

(*3*) After the scheme is submitted to the Provincial Government or the Board for approval under sub-section (*2*) the provisions of sections 5 to 23 and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme.

(*4*) Notwithstanding anything contained in sub-section (*3*), the owner of the land in which any work has been carried out for the purposes of a scheme under this section shall be liable, pending the preparation of the statement under section 13, to maintain the work to the satisfaction of the Land Improvement Officer and repair it to his satisfaction within such time as he may fix.

The provisions of sub-section (*2*) of section 14 shall apply in respect of the owner's liability under this sub-section."

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21. In sub-section (*1*) of section 25A of the said Act, Amendment of section 25A of Bom. XXVIII of 1942.

(*a*) for the words and figures "sections 8 and 11" the words "this Act" shall be substituted; and

(*b*) the words "of such owners" shall be deleted.

22. The provisions of this Act shall also apply, so far as may be, to a scheme which has come into force under section 10 of the said Act before the passing of this Act. Retrospective operation of Act.

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STATEMENT.

Under the Bombay Land Improvement Schemes Act, 1942, contour bunding has been carried out in a large number of villages and the work is progressing extremely rapidly. In fact so far it has been impossible to carry out the various provisions in the Act regarding formal notifications and the preparation of the record of rights and liabilities, rapidly enough to keep pace with the work.

The Act was originally drafted with a view to its application to small areas—perhaps a village or two villages—which might be improved under the Sir Cusrow Wadia Trust Fund. Experience, however, shows that there is a very large demand for contour bunding and land improvement and to meet this demand it is necessary for Government to press ahead far faster than originally contemplated. It is therefore proposed to simplify the procedure prescribed under the Act by dispensing with formal notices, the detailed provisions of sections 7 and 8 and the preparation of record of rights and liabilities under section 13. Instead of the record of rights and liabilities it is proposed to prepare a statement containing a few particulars and incorporate rights and liabilities created by schemes under the Act in the existing record of rights maintained under the Bombay Land Revenue Code. The Bill is intended to carry out this object.

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